THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27320 OF 2005

DATED: 26-12-2005

Between:

S.V.Reddy . . .Petitioner

And

The Personnel Officer, APSRTC, Nalgonda,

and another . . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27320 of 2005

O R D E R:

The petitioner has been appointed as Driver in Nagonda region of APSRTC and was initially posted in different depots in the same region. Subsequently, he has been transferred to Hyderabad City region. He states that on account of the transfer, outside the region, in which he was appointed, he is subjected to great hardship, and seeks appropriate directions for his restoration, to the Nalgonda region.

Heard the learned counsel for the petitioner and learned standing counsel for the respondents.

On behalf of the petitioner and respondents, several contentions have been advanced.

It is not in dispute that the region is the unit of appointment for the posts of Drivers and Conductors. They can be transferred within the region, depending on the need. However, it is also competent for the Corporation to transfer them from one region to another. Such transfers must be effected objectively by the competent authority. By and large, the transfer of
daily-wage Drivers or Conductors cannot be resorted to indiscriminately. It is not as if the Corporation is under obligation to provide employment to them on everyday. They have to be engaged only as and when the work exists. If they are willing to wait for their turn, they cannot be compelled to report to the other regions. Apart from the legality involved in such matters, the inconvenience and the hardship of the employees also need to be taken into account. When the very engagement is on daily wage basis, compelling them to have their own family establishments, at various places, that too, for only certain periods, would have its own impact on their own lives.

While the Regional Manager has absolute power to effect transfers within his region, he cannot be permitted to transfer the employees from his region to another region. It is only the Executive Director, or any other competent

authority, at the State level, that can pass such orders. It is a different thing, if there exists necessary orders from the competent authority and the same are implemented by the Regional Manager.

For the foregoing reasons, the writ petition is allowed, directing that the petitioner shall be restored to the region, in which he has been appointed initially, within a period of six weeks from the date of receipt of a copy of this order. If the transfer of the petitioner, outside the region, becomes inevitable, the competent authority shall follow the rule of seniority, and except in cases where the persons at the bottom of seniority list have come to the concerned region by foregoing their seniority in other regions, the selection of Drivers, on transfer, shall always be from the bottom of the seniority list. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

26th DECEMBER, 2005.

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